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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,108	12/01/2003	Bryan K. Kennedy	65725-0035	2785
23552 7590 06/14/2007 MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER ADDY, THJUAN KNOWLIN	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 06/14/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/725,108

Applicant(s)

KENNEDY ET AL.

Examiner

Thjuan K. Addy

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on March 21, 2007 has been entered. Claims 1, 4, 15, and 17 have been amended. Claim 16 has been cancelled. Claims 21-24 have been added. Claims 1-15 and 17-24 are now pending in this application, with claims 1, 4, and 15 being independent.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13, 15, and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bremer et al (US Patent Application, Pub. No.: US 2004/0042510 A1), in view of Pelegris (US 5,410,443).

3. In regards to claims 1, 4, and 15, Bremer discloses a system and method for delivering digital subscriber line (DSL) service to a subscriber (See pg. 3, paragraph [0026]), comprising: a cross connect block (See Fig. 16, cross-connect box 16550 and Fig. 17, cross-connect box 17550) in communication with said adapter and configured to selectively route a signal received by said cross connect block to a splitter (See Fig. 16 and POTS/cross-connect splitter 16580) for combining and separating signals, with

one of said signals being a DSL signal from a DSL system (See Abstract, pg. 7, paragraph [0065], pg. 8-9, paragraph [0074], and pg. 16, paragraph [0112] – [0113]).

Bremer, however, does not disclose an adapter configured to interface with a protector field; a protector module connected to said adapter; and wherein a pair gain signal transmitted through said protector field is rerouted by said adapter to said cross connector block and then back to said protector field through said protector module.

Pelegris, however, does disclose an adapter (See Fig. 1 and adapter 12) configured to interface with a protector field (See Fig. 1 and protector 10); a protector module (See Fig. 1 and plug-in type protector module 22) connected to said adapter; and wherein a pair gain signal transmitted through said protector field is rerouted by said adapter to said cross connector block and then back to said protector field through said protector module (See col. 2 lines 7-28, col. 3 lines 10-23, and col. 3-4 lines 45-2). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the system, as a way of providing an overvoltage protection assembly and method to be used in threaded well type protector stations and an adapter that is readily insertable into a pair of threaded well within the protector station to facilitate use of a plug-in type protector.

4. In regards to claim 2, Pelegris discloses the system, wherein the protector module is a separate component (See Fig. 1 and plug-in type protector module 22).

5. In regards to claim 3, Pelegris discloses the system, wherein said protector module is a subcomponent of said adapter (See Fig. 1, plug-in type protector module 22, and adapter 12).

6. In regards to claims 5, 6, and 17, Pelegris discloses the system, wherein at least one conductor projecting out from a surface of said protector module is received by at least one corresponding receptacle of said adapter, and wherein at least one conductor projecting out from a surface of said adapter is received by at least one corresponding receptacle of said protector field (See Fig. 1 and col. 4 lines 38-61).

7. In regards to claims 7, 11, 12, 13, 18, 19, and 20, Bremer discloses a first two-way route for communicating said pair gain signal from a pair gain system, through said protector field and cross connect block, to said subscriber; a second two-way route, partially overlapping said first route, for communicating said pair gain signal from said pair gain system, through said splitter, to said subscriber (See Abstract, Fig. 17, pg. 11, paragraph [0086], and pg. 16, paragraph [0113]); and a disruptor for selectively activating one of said first and second routes (See pg. 2, paragraph [0022])

8. In regards to claims 8 and 9, Bremer discloses no noticeable disruption of telephone service occurs during said selective activation of said first and second routes (See pg. 11, paragraph [0086]).

9. In regards to claim 10, Bremer and Pelegris disclose all of claim 10 limitations. Bremer, however, further discloses a first terminal (See Fig. 17 and terminal 17553) on said cross connect block (See Fig. 17 and cross-connect box 17550) and a second terminal (See Fig. 17 and terminal 17555) on said cross connect block (See Fig. 17 and cross-connect box 17550) (See pg. 16, paragraph [0113]).

10. In regards to claim 21, Pelegris discloses the system, wherein said protector module is a 5-pin protector module that plugs into said adapter (See Fig.1 and col. 4 lines 38-43).

11. In regards to claim 22, Pelegris discloses the system, wherein said adapter is a 5-pin adapter that plugs into receptacles of the protector field normally occupied by the protector module (See Fig.1 and col. 4 lines 38-43).

12. In regards to claim 23, Pelegris discloses method, wherein the step of connecting the protector module to the adapter includes plugging a 5-pin protector module into receptacles of the adapter (See Fig. 1 and col. 5 lines 28-38).

13. In regards to claim 24, Pelegris discloses the method, wherein the step of connecting the adapter includes a 5-pin adapter into receptacles of the protector field normally occupied by the protector module (See Fig. 1 and col. 5 lines 7-19).

14. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pelegris (US 5,410,443), in view of Bremer et al (US Patent Application, Pub. No.: US 2004/0042510 A1), and further in view of Kozel et al (US 5,551,889).

15. In regards to claim 14, Bremer and Pelegris disclose all of claim 14 limitations, except wherein said cross connect block is an insulation displacement connection (IDC) block. Kozel, however, does disclose an insulation displacement connection (IDC) block (See Fig. 1 and IDC block 10) (See col. 1 lines 49-67, col. 2 lines 29-46, and col. 2-3 lines 56-9). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of

allowing for mass termination of wires without use of special tools, complicated methods, or time-consuming methods such as soldering.

### ***Response to Arguments***

16. Applicant's arguments with respect to claims 1-15 and 17-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Thjuan K. Addy  
Patent Examiner  
AU 2614